

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	No. 1:08-cr-47
-v-)	
)	Honorable Paul L. Maloney
MARIE MASON,)	
Defendant.)	
_____)	

**ORDER DENYING MOTION FOR LEAVE TO FILE A MOTION TO AMEND
JUDGMENT**

Defendant Mason requests leave to file a motion to amend the judgment and commitment order. (ECF No. 241.) Since the Court sentenced Defendant in 2009, the Danbury Probate Court in Danbury, Connecticut issued an order changing Defendant's name from Marie Jeanette Mason to Marius Jacob Mason. (ECF No. 241-2.) Defendant seeks to amend the judgment in this criminal action to reflect the new name. Defendant indicates that the Government does not object to the request for leave. The Court therefore does not anticipate that the Government will file any brief in support of or opposing the motion for leave.

The Court **DENIES** Defendant's request for leave to file the motion. The Court concludes that it lacks jurisdiction to consider the proposed motion and, therefore, granting Defendant's request for leave would be frivolous. In the proposed motion (ECF No. 241-1), Defendant does not identify any authority that would permit the Court to alter or amend the judgment to reflect the new name. The Fifth Circuit Court of Appeals recently considered the denial of a similar motion to amend a judgment. *United States v. Varner*,

948 F.3d 250 (5th Cir. 2020.) The circuit court considered several possible sources of jurisdiction, including the Federal Rules of Criminal Procedure and federal statutes, and concluded that the district court lacked jurisdiction to consider the request. *Id.* at 253-54. This Court finds the reasoning in *Varner* persuasive. The Court also notes that the multiple federal courts have found no right to have pre-existing criminal records altered to reflect subsequent name changes. *See, e.g., United States v. White*, 490 F. App'x 979 (10th Cir. 2012); *United States v. Baker*, 415 F.3d 1273 (11th Cir. 2005); *United States v. Hamrick*, No. 3:90cr12, 2013 WL 1867406 (E.D. Va. May 2, 2013); *United States v. Pemberton*, No. 03-97, 2008 WL 324254 (D.N.J. Feb. 6, 2008).

IT IS SO ORDERED.

Date: July 7, 2021

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge